

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

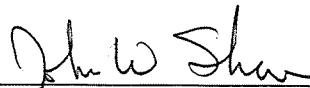
HEWLETT-PACKARD COMPANY)	
)	
Plaintiff,)	
)	
v.)	C. A. No. 07-650 (SLR)
)	
ACCELERON, LLC,)	
)	
Defendant.)	

DEFENDANT ACCELERON LLC'S MOTION TO DISMISS

Pursuant to Fed. R. Civ. P. 12(b)(1), defendant Acceleron LLC hereby moves to dismiss the Complaint filed in this action. The grounds for this motion are fully set forth in defendant's opening brief and supporting declaration, submitted herewith.

WHEREFORE, defendant Acceleron LLC respectfully requests the Court to enter the attached order and to dismiss this action in its entirety.

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Dated: December 21, 2007

CERTIFICATE OF SERVICE

I, John W. Shaw, Esquire, hereby certify that on December 21, 2007, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

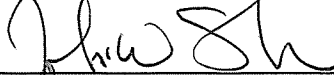
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I further certify that on December 21, 2007, I caused a true and correct copy of the foregoing document to be served by e-mail and hand delivery on the above-listed counsel of record and on the following non-registered participants in the manner indicated:

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ORDER

At Wilmington this ____ day of _____, 200__, having considered defendant Acceleron LLC's motion to dismiss and the response thereto, and finding that no justiciable case or controversy exists between the parties and that, even if a justiciable case or controversy did exist between the parties, this action nonetheless should be dismissed by the discretion of the Court as permitted by the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, IT IS HEREBY ORDERED that:

1. Acceleron LLC's motion is granted.
2. This action is dismissed.

United States District Judge